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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ARF-Admin Review Final PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: 72 FR 12758 FR CITE DATE: 03/19/2007

REFERENCE 4067111
MESSAGE #
(s):

CASE #(s): A-427-108

EFFECTIVE DATE: 03/19/2007 COURT CASE #:

PERIOD OF REVIEW: 08/01/2004 TO 07/31/2005

PERIOD COVERED: 08/01/2004 TO 07/31/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for certain-corrosion-resistant carbon steel flat products from France that are further processed in Canada for the period 08/01/2004 through 07/31/2005 (A-427-108)

1. In message number 4067111, dated 03/08/1994, the Department of Commerce assigned cash deposit rates to merchandise that originates in one country but undergoes certain further processing in Canada and is considered to have undergone a substantial transformation to become a product of Canada for antidumping purposes, but not for Customs purposes. Please refer to paragraphs 6, 9, and 11 of message number 4067111 for references to further processing that constitutes substantial transformation for the purpose of this case.

2. In message number 4067111, the Department established a specific format for U.S. Customs and Border Protection (CBP) to identify and assign cash deposit rates for merchandise originally produced in third countries but exported to the United States as subject merchandise from Canada (A-XXX-YYY-ZZZ). Accordingly, the identification number in this case (A-427-108-ZZZ) denotes the country of origin of the original merchandise as determined by CBP (-427), the subject merchandise corrosion-resistant carbon steel (-108), and the unique company code which corresponds to the Canadian company that substantially transformed the third-country merchandise in Canada (-ZZZ).

3. In message number 7213201, dated 08/01/2007, Commerce issued liquidation instructions for corrosion-resistant carbon steel flat products produced and imported by Stelco Inc. Therefore, CBP should liquidate such subject merchandise produced and imported by Stelco Inc. for A-427-108-003 at 1.48 percent of entered value.

4. As a result of Commerce's clarification of its assessment regulation on May 6, 2003 (68 FR 23954), for all shipments of certain corrosion-resistant carbon steel flat products from Canada produced by Stelco Inc., entered or withdrawn from warehouse for consumption during the period 08/01/2004 through 07/31/2005, entered under case number A-427-108-003, and not covered by paragraph 3, assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for certain corrosion-resistant carbon steel flat products from Canada is 18.71 percent.

5. There are no injunctions applicable to the entries covered by this instruction.

6. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3 and 4 occurred with the publication of the notice of the final results of administrative review (72 FR 12758, 03/19/2007). The antidumping duty order for corrosion-resistant carbon steel flat products from Canada was revoked effective 12/15/2005, see message 7053202, dated 02/22/2007.

7. The assessment of antidumping duties by CBP on entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited on estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of the publication of the antidumping duty order. Interest shall be calculated from the date of payment of estimated antidumping duties through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the internal revenue code of 1954 for such period.

8. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OVII:JA.)

10. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party